THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 7th day of September,2007

W.P.No.1227 of 2006

Between:-

Dr. M. Lakshmi Narasu … Petitioner

and

The Jawharlal Nehru Technological
University, represented by its
Registrar, Mahaveer Marg,
Masab Tank, Hyderabad and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the Proceedings No.C4/7362/04-05, dated 31-12-2005 of the 1st respondent in appointing the 2nd respondent as Director of Institute of Science and Technology as arbitrary and illegal and consequently to direct the 1st respondent to promote the petitioner as Director of Institute of Science and Technology.

The facts are not much in dispute. Petitioner as well as the 2nd respondent are Professors in their respective faculties. Further, petitioner is senior to the 2nd respondent. However, it appears, under the impugned Order dated 31-12-2005, 2nd respondent was appointed as Director of Institute of Science and Technology, Jawaharlal Nehru Technological University, Hyderabad. According to the petitioner, she being the seniormost Professor in the Institute i.e. Institute of Science and Technology, she is entitled to be considered for promotion to the post of Director and preferring the 2nd respondent and appointing him under the impugned Proceedings is arbitrary and illegal.

A detailed counter affidavit has been filed by the 1st respondent denying the allegations made by the petitioner. It is asserted that the post of Director is only a tenure post with some honorarium. In fact, there is no cadre post of Director available on the cadre strength of the University. The seniority alone is not the criteria. It is for the Executive

Council to appoint a suitable person as Director.

Respondent No.2 also filed a detailed counter affidavit denying the allegations made by the petitioner and stating that the post of Director is only an honorary post and not filled up on the basis of any seniority or promotion and as such, the petitioner cannot claim the said post on seniority basis.

Both the learned counsel, however, admitted that there are no Rules made for the purpose of appointment and/or nomination of Director of Institute of Science and Technology, JNTU, since the Director's post is an honorary post. Whereas, learned counsel for the petitioner contended that the petitioner being seniormost Professor, she is entitled for consideration to the post of Director automatically and the 1st respondent discriminated her in not appointing her to the post of Director, even if it is an honorary post. Learned counsel for the petitioner as well as the respondents were not able to say whether there is any special scale provided for the post of Director. On the other hand, both of them have stated that the post of Professor is the highest post in the University and the Director only supervises the Institute as a whole.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned Order and other material made available on record.

It is an admitted fact that no Rules are made governing the appointment/nomination to the post of Director of Institute of Science and Technology, JNTU, Hyderabad. According to the learned counsel on either side, the post of Professor is the highest post in the University. Merely because there are no Rules made for the purpose of appointment/nomination of the Director of the Institute, I am of the opinion that the 1st respondent could not have neglected or deprived the case of the petitioner for the purpose of appointment to the post of

Director. Simply because it is an honorary post, that does not mean that the University can appoint any person by picking up from the cadre. In the absence of any Rules, the University is supposed to follow some fair procedure for the purpose of nominating/appointing the Director. Mere absence of Rules does not mean that the 1st respondent-University can pick and choose any Professor and appoint to the post of Director. It is unfortunate that it is brought to the notice of this Court that in spite of there being a direction by this Court earlier in Writ Petition No.10657 of 1995, the respondents have not adopted and/or framed any Rules with regard to mode and method of filling up of the post of Director. This, in fact, enabled the 1st respondent to pick and chose the people and appoint the persons like the 2nd respondent.

Under the above circumstances, I am of the opinion that the 1st respondent has not followed fair rule of seniority etc. As such, the 1st respondent is directed to reconsider the appointment/nomination of Director in the Institute of Science and Technology, JNTU, Hyderabad, after inviting the objections from all the parties concerned and pass appropriate orders, as per law, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

07-9-2007

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